

Ernie Fletcher
Governor

Teresa J. Hill
Secretary



Environmental Quality Commission

14 Reilly Road
Frankfort, Kentucky 40601-1132
Phone (502) 564-3410 Fax (502) 564-5096
E-mail: EQC@ky.gov
www.eqc.ky.gov www.kentucky.gov

Scott R. Smith, Chair, *Lexington*
Gordon Garner, Vice-Chair, *Prospect*
Andrew Ernest, *Bowling Green*
Rebecca Farris, *Lexington*
Eugene Zick, *Russellville*
Laura Knoth, *Grand Rivers*

21 May 2007

Teresa J. Hill, Secretary
Environmental and Public Protection Cabinet
Capital Plaza Tower
Frankfort, KY 40601

Secretary Hill:

The Environmental Quality Commission (EQC) held a quarterly meeting on 10 May 2007 in Hopkinsville. One of the agenda items was a discussion of proposed administrative regulation 401 KAR 60:020 (Mercury Budget Trading Program). After careful review of the proposed regulation and the Statement of Consideration, the EQC submits the attached recommendation of adoption.

Please contact me or Jo Hargis, Executive Director of the EQC, with questions/comments. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, reading "Scott R. Smith".

Signed, Scott R. Smith
Chair, Environmental Quality Commission

cc: John Lyons, Director, Division for Air Quality
Lloyd Cress, Deputy Secretary, Environmental and Public Protection Cabinet
Kate Shanks, Policy Advisor, Environmental and Public Protection Cabinet
Cheryl Taylor, Commissioner, Department for Environmental Protection
Jo Hargis, Executive Director, Environmental Quality Commission

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**RECOMMENDATION
OF THE
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION**

**PROPOSED MERCURY BUDGET TRADING REGULATION 401 KAR 60:020
FROM THE DIVISION FOR AIR QUALITY**

Pursuant to KRS 224.01-100 through 224.04-115, the Environmental Quality Commission shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the Cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender, in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

Therefore, on 10 May 2007 the Environmental Quality Commission voted unanimously to recommend adoption of the Kentucky Division for Air Quality's proposed administrative regulation listed below.

401 KAR 60:020 Mercury Budget Trading Program

A handwritten signature in dark ink, appearing to read "Scott R. Smith".

Signed

cc: John Lyons, Director, Division for Air Quality
Lloyd Cress, Deputy Secretary, Environmental and Public Protection Cabinet
Kate Shanks, Policy Advisor, EPPC Office of Legislative and Intergovernmental Affairs
Cheryl Taylor, Commissioner, Department for Environmental Protection
Jo Hargis, Executive Director, Environmental Quality Commission